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THE SITUATION IN CENTRAL AMERICA:
THREATS TO INTERNATIONAL PEACE AND
SECURITY AND PEACE INITIATIVES

SECURITY COUNCIL
Forty-sixth year

Letter dated 18 July 1991 from the Permanent Representative of Honduras to the United Nations addressed to the Secretary-General

I have the honour to submit to you herewith a copy of the draft Treaty on Central American Security submitted by the Government of Honduras in early July to the Governments of the other Central American countries (see annex). The Central American Presidents took cognizance of the draft at the tenth Regional Summit, held in the city of San Salvador on 15, 16 and 17 July 1991.

I respectfully request you to have this letter and the annex thereto circulated as an official document of the General Assembly, under item 28 of the agenda, and of the Security Council.

(Signed) Roberto FLORES BERMUDEZ
Ambassador
Permanent Representative

Annex

TREATY ON CENTRAL AMERICAN SECURITY

The Republics of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua,

Convinced that peace, development and welfare for their peoples depend on consolidation of the democratic system of government in each of these States,

Certain that the establishment of mutual confidence and regional détente and an end to the arms race depend on renouncing the threat or use of force against the sovereignty, territorial integrity or political independence of any State of the region,

Convinced that respect for human rights is a fundamental characteristic of democratic systems of government and a prerequisite for the maintenance of the peace and serenity of nations,

Determined to avoid by all possible means armed conflicts among the States of the isthmus,

Convinced that the maintenance of a stable and lasting peace requires the adoption of measures to build confidence among States and the establishment of a regional military balance,

Aware that the allocation of resources for the maintenance of a disproportionate military capability affects the economic and social endeavours of the Central American peoples,

Concurring in the desirability of establishing an effective system of cooperation, communication and coordination among the armed or security forces of the Central American region in order to promote the security of the isthmus,

Convinced that the pursuit of military superiority on the part of any of the Central American States would constitute a threat to regional security and a destabilizing factor in the area,

In the conviction that their security relies fundamentally on the international system for the maintenance of peace and that, accordingly, their armed services should be essentially defensive in nature,

Disposed to comply fully with the commitment contained in the Procedure for the establishment of a firm and lasting peace in Central America, also known as the Esquipulas Procedure, in particular the obligation to conclude negotiations on security, verification and arms control in the region,

HAVE AGREED ON THE FOLLOWING

TREATY ON CENTRAL AMERICAN SECURITY

PART ONE

MEASURES TO BUILD CONFIDENCE AMONG THE STATES PARTIES

CHAPTER I

REPORTS

Article 1

The States of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua, hereinafter referred to as "the Parties", agree on the following confidence-building measures:

(a) The Parties shall submit, in the first half of each year, reports on the composition and organization of their armed services, military installations, weaponry, matériel and equipment;

(b) The reports shall be exchanged in the Security Commission established under the Procedure for the establishment of a firm and lasting peace in Central America.

The reports shall be prepared in accordance with the inventory format agreed by the Security Commission, and shall include, for each ground or amphibious combat unit, down to the battalion level, all the data necessary for ensuring that the information supplied is complete, transparent and easily verifiable.

The same principle in respect of the supply of information shall apply to each air combat formation and single combat aircraft, and to naval and police forces, irrespective of their appellation, situation or line of command.

Article 2

The Parties shall also provide information on their respective military budgets for the current financial year, using the reporting instrument on military expenditures in standardized form adopted by the United Nations on 12 December 1980.

Each State Party may request from any other State Party, through the Security Commission, clarification of the information within the 60 days following the date on which it was delivered.

The Parties undertake to provide such clarification within the 60 days following the date of request.

CHAPTER II

RISK REDUCTION

Article 3

Each Party shall inform the others sufficiently in advance of any significant military activity which it is about to carry out.

Where, in a national emergency, such notification was not given because it was impossible to predict it, any Party may request an explanation of the situation from the other State, which shall be bound to conform within 24 hours.

If the explanations given are not considered satisfactory and sufficient, the Party concerned may request a meeting of the Security Commission to analyse the situation and take appropriate decisions. The meeting shall take place within the following 24 hours.

Article 4

If an incident of a military nature occurs between two or more of the Parties, the Ministers for Foreign Affairs shall immediately establish contact in order to analyse the situation, explain the facts, avoid an escalation of tension, put an end to any military activity and prevent the occurrence of further incidents.

To deal with such cases, the Parties shall establish a standing rapid communication procedure to facilitate immediate contact with their respective authorities.

Any Party may convene the Security Commission in connection with a military incident, if the direct channels of communication are not adequate for achieving the objectives referred to in the preceding paragraph. The meeting shall take place within 24 hours of the formulation of a formal request.

CHAPTER III

MILITARY CONTACTS

Article 5

In order to build confidence among themselves, the Parties shall encourage visits between the heads of the armed services; facilitate contacts between officers of these services; promote their joint attendance at professional courses and lectures; establish exchanges between scholars and experts in military studies and related areas; and organize cultural and sports events involving members of their armed services.

CHAPTER IV

PRIOR NOTIFICATION OF PARTICULAR MILITARY ACTIVITIES

Article 6

The Parties shall notify the other signatory States in writing through the diplomatic channel, without precluding informal communication through established military channels, at least 30 days in advance, of the following military activities:

(a) Any ground, air or naval military manoeuvre, deployment or exercise less than 30 kilometres from the frontier with another State Party;

(b) Any military manoeuvre in which more than 1,000 troops participate;

(c) Any manoeuvre, deployment or exercise involving the participation of forces belonging to a country other than the one in whose territory it takes place;

(d) Any manoeuvre, deployment or exercise in which 20 or more air sorties are made, including sorties of helicopter gunships;

(e) Any manoeuvre, deployment or exercise involving more than 300 paratroop drops;

(f) Any naval manoeuvre, deployment or exercise in which more than 100 troops participate;

(g) Any manoeuvre, deployment or exercise in which 10 or more tanks participate, when it takes place less than 30 kilometres from the frontier with another State Party.

Article 7

The obligation to notify within the period referred to in article 6 shall not apply to counterinsurgency operations carried out by one of the armed services. However, the State which conducts such operations must report them as soon as possible if they take place less than 20 kilometres from the frontier with another Party.

Article 8

Notification of military activities shall include the following information: the name of the activity; its purpose; the participating States; the number of troops and the type of weapons or equipment to be used and the places where they are to take place; and the dates on which they are to begin and end.

The number of units participating in the activity and the geographic coordinates of the points of arrival and of troop concentrations shall also be communicated.

CHAPTER V

OBSERVATION OF MILITARY ACTIVITIES

Article 9

The Parties undertake to invite the other Parties to send observers to follow the course of the activities referred to in article 6 of this Treaty.

It shall be understood that an invitation has been issued simply through notification of the activity, and the notified Party may accept within 10 days of receiving the notification. If it accepts the invitation, it may send not more than two observers.

The host State shall provide the observers with a programme containing all relevant details, such as dates and meeting places, means of transport, the various stages or phases of activity, its duration, and the arrangements made for the observers' food and board. The observer State shall pay the cost of the travel and stay of its observers.

Article 10

For the duration of their mission, the observers shall enjoy the privileges and immunities accorded to diplomats under the Vienna Convention on Diplomatic Relations.

Article 11

The observer State shall see to the security and well-being of the observers while the activity is in progress.

Article 12

The host State shall not be obliged to permit observation of restricted defence zones, installations or points.

PART TWO

OBLIGATIONS ARISING OUT OF THE ESQUIPULAS PROCEDURE

CHAPTER VI

OBLIGATIONS WITH REGARD TO THE PROHIBITION OF SUPPORT FOR IRREGULAR FORCES

Article 13

The Parties reaffirm their obligation to refrain from giving any political, military, financial or other support to individuals, groups, irregular forces or armed bands advocating the overthrow or destabilization of the Government of one of the other Parties. In addition, they undertake to prevent their territory from being used for organizing or carrying out actions, military or otherwise, acts of sabotage, kidnappings or criminal activities in the territory of another State Party.

Article 14

The Parties shall exercise strict control to prevent their territory from being used to carry out any military action against another State Party.

Article 15

The Parties undertake to deny the use of and to dismantle any installation, equipment or facility providing logistical, operational or propaganda support which may be situated in their territory and is being used for the purpose of overthrowing, destabilizing or causing harm to the Government of one of the other Parties.

Article 16

The signatory States undertake to make every effort within their power to remove from their frontier areas any group or irregular force responsible for acts against another Party, and to disarm and intern their members or arrange for their admission by third countries.

CHAPTER VII

OBLIGATIONS WITH REGARD TO TRAFFIC IN ARMS

Article 17

The Parties pledge to combat the flow of arms, explosives and equipment towards persons, groups or organizations, irregular forces or armed bands trying to destabilize or overthrow the Government of another Party.

Article 18

In order to implement the provisions of the foregoing article, the Parties shall establish control mechanisms at airports, landing strips, harbours, terminals, border crossings, on roads, air routes, sea lanes and waterways, and at any other point likely to be used for the traffic in arms.

Article 19

On the basis of presumption or established facts, the Parties shall report any violations of this obligation to the Security Commission. The Party making the report shall provide the Security Commission with the evidence at its disposal in order to enable it to carry out the necessary investigation. The Commission shall submit such conclusions and recommendations as it may consider useful.

Whenever possible, the following information shall be supplied: source of the traffic in arms; persons involved; place where the armaments were manufactured; type of armaments, munitions, equipment or other types of military supplies; means of transport and transport routes both within and outside the region; bases for storing supplies; and the recipients or destination.

CHAPTER VIII

OBLIGATIONS WITH REGARD TO FOREIGN MILITARY ADVISERS

Article 20

The Parties shall submit to the Security Commission, in the first half of each year, a report on the foreign military advisers or other foreign elements participating in military, paramilitary or security activities in its territory.

Article 21

Each Party shall keep a list of the advisers engaged in activities of a technical nature related to training or to the installation and maintenance of military equipment; a copy of the list shall be submitted to the Security Commission. The list shall be kept in conformity with the respective agreements or contracts. The Security Commission shall be entitled to propose to the Parties reasonable limits on the number of such advisers.

CHAPTER IX

OBLIGATIONS WITH REGARD TO TERRORISM, SUBVERSION AND SABOTAGE

Article 22

The Parties pledge not to give political, military, financial or any other support for acts of subversion, terrorism or sabotage intended to destabilize or overthrow the Government of a State Party.

Article 23

They also pledge not to organize, instigate or participate in acts of terrorism, subversion or sabotage against another State Party and shall refrain from acquiescing activities within their territory directed towards the commission of such criminal acts.

Article 24

The Parties pledge to abide by or, as the case may be, accede at the earliest opportunity to the following international treaties and conventions:

(a) Convention for the Suppression of Unlawful Seizure of Aircraft, 1970;

(b) Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion That are of International Significance, 1971;

(c) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971;

(d) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973;

(e) International Convention against the Taking of Hostages, 1979;

(f) Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, 1925;

(g) Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, 1971.

Article 25

The Parties shall initiate, within 30 days following the signature of this Treaty, the necessary constitutional procedures with a view to becoming parties, if they have not already done so, to the international treaties and conventions referred to in the preceding article.

Article 26

The Parties shall take measures in their respective territories to prevent individuals belonging to foreign terrorist groups or organizations from engaging in criminal acts. To that end, they shall strengthen cooperation between migration offices and police departments and other competent authorities.

CHAPTER X

PROHIBITIONS REGARDING THE POSSESSION OF WEAPONS OF MASS DESTRUCTION OR WHICH HAVE INDISCRIMINATE EFFECTS

Article 27

The Parties shall refrain from acquiring, maintaining or permitting the stationing in their territories of chemical, radiological or bacteriological weapons. The Parties also pledge not to build or permit the construction in their respective territories of installations which may be used to manufacture or stockpile those types of weapons.

Article 28

The Parties reaffirm the commitments which they undertook in the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), of 14 February 1967.

CHAPTER XI

COOPERATION FOR THE PROTECTION OF THE ENVIRONMENT AND IN CASES OF NATURAL DISASTERS

Article 29

The Parties shall establish cooperation mechanisms which shall allow them to provide each other with assistance in cases of natural disasters, and in search and rescue missions in cases of accidents.

Article 30

Likewise, they shall cooperate, through their respective armed services, to protect the environment, in particular in frontier areas with one or more States Parties.

For the purposes of this and the preceding article, the Parties shall draw up contingency plans which shall enable them to establish timely and adequate coordination.

CHAPTER XII

OBLIGATIONS WITH RESPECT TO PREVENTION OF DRUG-TRAFFICKING

Article 31

The Parties shall promote cooperation in the prevention of traffic in drugs and narcotic substances in conformity with the regional and subregional agreements to which they are parties. To that end, they shall establish speedy and effective mechanisms for communication and cooperation among the national authorities responsible for combating traffic in drugs and narcotic substances, and shall provide the competent authorities with the material and human resources of the armed services.

CHAPTER XIII

DIRECT COMMUNICATION SYSTEMS

Article 32

The Parties shall establish a regional communication system to guarantee timely liaison between the competent governmental, civil and military authorities, among themselves and with the Security Commission, for the purpose of preventing incidents and facilitating fulfilment of the other commitments assumed under this Treaty.

PART THREE

HUMANITARIAN LAW AND HUMAN RIGHTS

Article 33

The Parties pledge to devise programmes for ensuring participation, by members of their respective armed services, in courses, seminars or conferences on humanitarian law and in the theory and practice of protecting and promoting human rights as a basis of the system of democracy and law.

To that end, they may jointly or separately request the assistance of such international bodies and organizations as they may deem appropriate.

PART FOUR

ESTABLISHMENT OF MAXIMUM LIMITS FOR ARMAMENTS AND MILITARY PERSONNEL

Article 34

The Parties shall renew their commitment to renounce the threat and use of force for settling disputes that might arise among them. They shall reaffirm their commitment to apply pacific means for settling international disputes.

Article 35

The Parties shall renounce the pursuit of military superiority in the region and pledge to establish a military balance at the lowest possible level, in respect for the right of each State to its own security.

Article 36

The Parties shall agree, within the 24 months following the entry into force of this Treaty, on their respective maximum limits for military personnel and armaments.

Article 37

The limits to the number of military personnel and armaments shall be determined by the Security Commission, in line with the list of factors approved by it at the meeting held on 12 and 13 April 1991 in the city of Managua, Nicaragua.

Article 38

Observance of the agreed limits shall be mandatory for each of the Parties as from 1 January 1994.

Nevertheless, in the event of internal armed conflict the Security Commission may authorize the Parties to exceed the agreed limits for so long as the conflict exists. The new units and armaments shall be used exclusively for combating counterinsurgency. As soon as the circumstances giving rise to authorization for exceeding the limits have ceased to exist, the Parties shall pledge strictly to abide by the maximum limits which preceded the conflict.

PART FIVE

VERIFICATION AND CONTROL

Article 39

It shall be the responsibility of the Security Commission to ensure that the commitments covered in this Treaty are verified and controlled, in line with the following functions:

(a) To ensure implementation of the measures referred to in the Treaty, such as the delivery and updating of inventories of armaments and military personnel and installations, as well as their periodic updating;

(b) To agree, within the deadlines specified in this Treaty, on the maximum limits for armaments and military personnel to which the Parties shall be entitled, within the set parameters;

(c) To establish a register of every transfer of arms to the Parties;

(d) To verify full compliance by the Parties of the agreed maximum limits for the armaments and personnel;

(e) To verify that no new arms or systems which, qualitatively or quantitatively, alter the established maximum limits are introduced, and that arms prohibited by this Treaty are not introduced;

(f) To verify that the purchases of arms and equipment for replacement purposes are in line with the previously established inventories and registers;

(g) To monitor implementation of this Treaty as regards traffic in arms, explosives and equipment;

(h) To monitor implementation of this Treaty as regards irregular forces and the non-use of the territory of the Parties for acts of destabilization against another Party;

(i) To monitor implementation of the procedures for notifying the military manoeuvres referred to in this Treaty and for notifying the other matters specified herein;

(j) To investigate every accusation of violation of the commitments assumed in this Treaty, to make the report thereon and to make such recommendations as it may deem appropriate; and

(k) To carry out its investigations by means of inspections in situ, the collection of evidence and any other procedure which it may deem necessary for performing its functions. For the purpose of carrying out its functions the Commission shall receive all the requisite facilities from the Parties as well as their prompt and full collaboration.

Article 40

The Commission shall establish its own rules of procedure.

Article 41

The Commission shall formulate, for immediate action, recommendations for a solution and further investigation or for penalizing the Parties. Should one of the Parties declare that it disagrees with the recommendations, the matter shall be taken up by the Executive Commission of Esquipulas II.

Article 42

With effect from the date of signature of this Treaty, the Parties shall refrain from taking any action whereby the purpose and intentions of the Treaty may be frustrated.

Article 43

Within the 30 days following signature of this Treaty, the Parties shall initiate the constitutional formalities for its adoption and ratification.

Article 44

Any dispute concerning the interpretation or implementation of this Treaty which cannot be settled through the procedure specified in this part of the Treaty shall be submitted to the Executive Commission for its settlement by consensus.

Article 45

Should this procedure fail, the Executive Commission, with the votes of at least three of the Parties, shall recommend another procedure for the pacific settlement of the dispute, in accordance with Article 33 of the Charter of the United Nations and article 24 of the Charter of the Organization of American States. The recommendation of the Executive Commission shall be mandatory.

Article 46

Five years after the entry into force of this Treaty, or earlier if requested by at least two of the Parties, the Parties shall assemble in order to evaluate it and to take whatever action they may deem appropriate.

Article 47

This Treaty shall be ratified in accordance with the constitutional procedures of each Party. The instruments of ratification shall be deposited in the Ministry of Foreign Affairs of the Republic of Honduras.

Article 48

This Treaty shall enter into force eight days after the date on which the fifth instrument of ratification is deposited.

Article 49

This Treaty shall not admit reservations.

Article 50

This Treaty shall be registered by the depositor with the Secretary-General of the United Nations, in accordance with Article 102 of the Charter of the United Nations.